

EXHIBIT 22

Trials@uspto.gov
571-272-7822

Paper 55
Entered: October 12, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD.,
SAMSUNG ELECTRONICS AMERICA, INC. & APPLE, INC.,
Petitioner

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-00144
Patent 8,095,879 B2

Record of Oral Hearing
Held: September 6, 2022

Before KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

IPR2021-00144
Patent 8,095,879 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

KARL RENNER, ESQ.
DAVID HOLT, ESQ.
Fish & Richardson
axf-ptab@fr.com
holt2@fr.com

TIFFANY MILLER, ESQ.
DLA Piper
tiffany.miller@dlapiper.com

ON BEHALF OF THE PATENT OWNER:

NATHAN LOWENSTEIN, ESQ.
KENNETH WEATHERWAX, ESQ.
PARHAM HENDIFAR, ESQ.
ROBERT PISTONE, ESQ.
Lowenstein & Weatherwax, LLP
lowenstein@lowensteinwatherwax.com
weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
pistone@lowensteinweatherwax.com

The above-entitled matter came on for hearing Tuesday, September 6, 2022, commencing at 1:00 p.m. EDT, via Videoconference.

IPR2021-00144
Patent 8,095,879 B2

1 enables the user interface on the hardware side and the software enables the
2 swiping user interface.

3 So it's not like you've got a patent to, you know, an electric car motor
4 and the other one is to a steering wheel. These are two directly related
5 aspects. Both were valuable and Samsung wanted them not under threat of
6 litigation. Please let us exclusively license this technology that we need.

7 Slide 12, we showed limitation by limitation how this is met in the N1
8 phone is met. I don't think there's any dispute except as to the relocated or
9 duplicated limitation.

10 Slide 13, Craig Rosenberg agreed through his analysis that the
11 Neonode phones practice the claims.

12 Now, Slide 14 Petitioner points to these arrows that are multiplying.
13 But if you look at Slide 15 there are three credit icons that you actually see
14 more or less in the patent figures themselves. Those are neither relocated
15 your duplicated when you're -- and it's the only way of activating a function.
16 That's confirmed by Mr. Shain's declaration, by the testimony of Mr. Goertz.

17 Slide 16 --

18 JUDGE SZPONDOWSKI: Counsel, can I stop you for a minute? So
19 is the representation of the function in the N1 or N2 device, is it those three
20 icons or is it the arrows?

21 MR. LOWENSTEIN: It's the three icons.

22 JUDGE SZPONDOWSKI: Okay. And are those icons on the
23 touchscreen?

24 MR. LOWENSTEIN: So the testimony from Mr. Shain is that the
25 Neonode N1 and N2 presented three icons, a strip along the lower edge, I

IPR2021-00144
Patent 8,095,879 B2

1 think, if we go to Slide 12, on the lower edge of the display immediately
2 following a mockup of the phone.

3 And so I don't actually tell it, so I think that's what he has said. But
4 secondly, if you look at the videos you'll see there's a point where you tap on
5 the icon and the arrows start to multiply.

6 And so I think would tell us that the icons are yon the touch sensitive
7 portion of the display screen, if that was your question, Your Honor.

8 JUDGE SZPONDOWSKI: Yes, that was my question. I found it a
9 little difficult to tell from the video if they were actually on the touchscreen
10 or somewhere else.

11 MR. LOWENSTEIN: Yeah. So I believe, because the video is rather
12 dark it's a little bit hard to see the icons, but the icons are there. The fact that
13 -- well, also, another thing that Mr. Shain says is he says you have touch the
14 icon and then swipe away. And so if it wasn't touch sensitive I don't see why
15 you would have to do that, in other words.

16 So I believe the evidence, I mean, I haven't held the phone myself, but
17 I think the way that the evidence is that the icons are on the touch sensitive
18 portion of the screen. And I'm not sure that that's been disputed, but I could
19 be mistaken.

20 Okay. So let's --

21 JUDGE OGDEN: Mr. Lowenstein, looking at your Slide 14 and the
22 triangles that appear when a user touches the representation at the bottom,
23 are these triangles a representation of the function that the user could
24 perform?

25 MR. LOWENSTEIN: I don't believe so, Your Honor. We did make an
26 imprecise statement in our POR, but I believe what we actually pointed to in